

## BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

## STATE OF IDAHO

In the Matter of the License of: )  
 ) Case No. SWO-2007-22  
 JACK K. COOK, )  
 License No. LCSW-26200, ) **STIPULATION AND**  
 ) **CONSENT ORDER**  
 Respondent. )  
 )

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SWO\Jones\P7344lma

WHEREAS, information has been received by the Idaho State Board of Social Work Examiners (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Jack K. Cook ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

**A. Stipulated Facts and Law**

A.1. The Board regulates the practice of social work in the State of Idaho in accordance with title 54, chapter 32, Idaho Code.

A.2. The Board has issued License No. LCSW-26200 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 32, Idaho Code and the Board's rules at IDAPA 24.14.01, *et seq.*

A.3. On June 17, 2005, Respondent engaged in fellatio in the sauna at a public gym with a young male adult who has Down Syndrome.

A.4. On July 20, 2005, a Criminal Complaint was filed against Respondent in State v. Cook, Idaho Second Judicial District for Nez Perce County, Case No. CR05-06491. On August 28, 2006, Respondent entered a guilty plea to the charge of a Crime Against Nature, a felony, in Case No. CR05-06491.

A.5. On December 5, 2006, a Judgment of Conviction and Order Suspending Sentence was entered against Respondent in Case No. CR05-06491; Respondent was placed on probation for seven years and ordered, among other things, to serve one hundred eighty (180) days in jail (stayed pending appeal), to complete certain mental health counseling and sex offender treatment and to register as a sex offender. A true and correct copy of the Judgment of Conviction and Order Suspending Sentence is attached hereto as Exhibit A.

A.6. Respondent appealed his criminal conviction. On May 20, 2008, the Idaho Court of Appeals affirmed Respondent's felony conviction in State v. Cook, --- P.3d ---, 2008 WL 2119919 (Ct. App. 2008) (Case No. CR05-06491, Docket No. 33775, 2008 Opinion No. 41). In affirming the criminal conviction, the Court of Appeals cited Respondent's admission to law enforcement that Respondent "realized [the other male] had Down's Syndrome, but that he believed at the time that [the other male] was consenting." *Id. at* \*3. The Court of Appeals concluded that "there is ample support from the record demonstrating that [the other male] was unable to consent or did not consent and that the conduct occurred in public." *Id.*

A.7. Respondent petitioned the Idaho Supreme Court to review the Court of Appeals' decision affirming his criminal conviction. On September 11, 2008, the Idaho Supreme Court denied Respondent's petition for review, thereby upholding Respondent's felony conviction for a Crime Against Nature.

A.8. Respondent's felony conviction, for commission of a Crime Against Nature with a Downs Syndrome adult as discussed in State v. Cook, --- P.3d ---, 2008 WL 2119919 (Ct. App. 2008), violates the laws governing the practice of social work in Idaho, specifically Idaho Code § 54-3211(1) (defining unprofessional conduct to include the conviction of a felony or of any offense involving moral turpitude).

### **B. Waiver of Procedural Rights**

I, Jack K. Cook, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.3 through A.8. I further understand that these allegations constitute cause for disciplinary action upon my license to practice social work in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of social work in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

### **C. Stipulated Discipline**

C.1. License No. LCSW-26200 issued to Respondent Jack K. Cook, including all renewal rights pursuant to Idaho Code §§ 54-3209 and 67-2614, is hereby immediately REVOKED.

C.2. Respondent shall pay investigative costs and attorney fees in the amount of One Thousand Three Hundred Forty Four and No/100 Dollars (\$1,344.00) within ninety (90) days of the date of entry of the Board's Order on this Stipulation.

C.3. Respondent shall not make application to the Board for licensure for a period of no less than five (5) years following the date of entry of the Board's Order on this Stipulation. Should Respondent make application for licensure following such time period, nothing in this Stipulation shall prohibit the Board from denying Respondent's application or, if the Board decides to grant licensure at such time, from imposing conditions upon licensure as the Board deems proper.

C.4. All costs associated with compliance with the terms of this Stipulation and

Consent Order are the sole responsibility of Respondent.

C.5. The violation of any of the terms of this Stipulation and Consent Order by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation and Consent Order.

#### **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

#### **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and

Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.


E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If

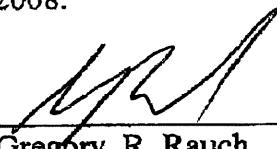
the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 23 day of October, 2008.

  
\_\_\_\_\_  
Jack K. Cook  
Respondent

Approved as to form.

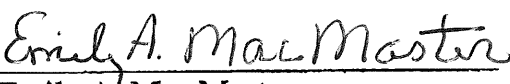
DATED this 23 day of Oct, 2008.

  
\_\_\_\_\_  
Gregory R. Rauch  
Attorney for Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 23 day of October, 2008.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
\_\_\_\_\_  
Emily A. Mac Master  
Deputy Attorney General

## ORDER

Pursuant to Idaho Code § 54-3204, the foregoing is adopted as the decision of the Board of Social Work Examiners in this matter and shall be effective on the 1 day of December, 2008. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF SOCIAL WORK EXAMINERS

By Christiane Magera  
Christiane Magera, Chair

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1<sup>st</sup> day of December, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Jack K. Cook  
720 "A" 20<sup>th</sup> Street  
Lewiston, ID 83501

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Gregory R. Rauch  
104 North Main Street  
P.O. Box 8074  
Moscow, ID 83843

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Emily A. Mac Master  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

Jean R. Uranga  
URANGA & URANGA  
P.O. Box 1678  
Boise, ID 83701-1678

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail



Tana Cory, Chief  
Bureau of Occupational Licenses



FILED

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PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,

Plaintiff,

vs.

JACK K. COOK,

DOB: [REDACTED],

SSN: [REDACTED]

Defendant,

CASE NO. CR 05-06491

JUDGMENT OF CONVICTION AND  
ORDER SUSPENDING SENTENCE

The above-named defendant, on November 30, 2006, was present and represented by Denton Andrews and Sandra Dickerson present on behalf of the State of Idaho, and arraigned in court upon the charge of CRIME AGAINST NATURE, Idaho Code § 18-6605 and 18-6606, a felony, committed on or about June 17, 2005. Defendant was duly informed by the Court of the nature of the charge and pled guilty thereto. At the time fixed for pronouncing judgment, the defendant was then asked if there existed any legal cause why judgment should not be pronounced, and Defendant replied that there was none. No sufficient cause being shown or appearing to the

JUDGMENT OF CONVICTION AND  
ORDER SUSPENDING SENTENCE

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Exhibit A  
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Court, the defendant was advised of the maximum and minimum punishment, right to a trial by jury, right to confront witnesses, the nature of the charge, whether the plea was a result of a plea bargaining and of what that agreement consisted, and that the Court is not bound by any promise or recommendation by either party as to punishment.

The Court hereby finds that the defendant understands the nature of the offense, and the consequences of the plea of guilty; that there is a factual basis for the guilty plea; that the guilty plea was freely and voluntarily made; and that the defendant freely and voluntarily waived these rights in the above-captioned matter.

THEREUPON, the Court rendered its judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the Crime of CRIME AGAINST NATURE, Idaho Code § 18-6605 and 18-6606, a felony, and that Defendant be sentenced by being placed in the custody of the IDAHO STATE BOARD OF CORRECTION for a period of not less than TWO (2) years, nor more than SEVEN (7) years, consisting of a minimum period of confinement of TWO (2) years, during which the defendant shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct (except as provided by Section 20-101D, Idaho Code) and a subsequent indeterminate period of custody not exceeding FIVE (5) years.

IT IS FURTHER ORDERED that the sentence be SUSPENDED, and the defendant is released from custody to probation for a period of SEVEN (7) years beginning November 30, 2006 upon the following conditions to-wit:

1. That the probation is granted to and accepted by the probationer, and with the understanding that the Court may at any time, in case of the violation of the terms of the probation,

cause the probationer to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit; and,

2. That the probationer shall be under the legal custody and control of the IDAHO STATE BOARD OF CORRECTION through its Department of Probation and Parole and the District Court, and subject to the rules of probation as prescribed by the Board of Correction and the District Court; and,

3. That the probationer, if placed on probation to a destination outside the State of Idaho, or leaves the confines of the State of Idaho with or without the permission of the Director of Probation and Parole, does hereby waive extradition to the State of Idaho, and also agrees that the probationer will not contest any effort by any state to return the probationer to the State of Idaho; and,

4. That the probationer shall meet with Defendant's probation officer promptly at the time and place appointed by Defendant's probation officer; and,

5. That Defendant shall make complete honest written monthly reports to Defendant's probation officer on or before the last day of each and every month during Defendant's probation upon forms provided by the probation officer; and,

6. That Defendant shall have no law violations other than a traffic infraction as defined by the State of Idaho; and,

7. That Defendant shall not: (a) leave the State of Idaho, (b) change Defendant's residence, or (c) undergo any substantial life changes, without the prior written permission of Defendant's probation officer; and,

8. That Defendant shall pay the Cost of Supervision Fees in an amount not to exceed the maximum allowable by Idaho Code § 20-225; and,

9. That Defendant shall serve ONE HUNDRED EIGHTY (180) days in the Nez Perce County Jail to be stayed pending appeal; and,

10. That Probation and Parole may impose up to THIRTY (30) days discretionary jail time in periods of no more than FIVE (5) days at a time. Probation and Parole must file a report with the Court by the next business day if discretionary jail time is imposed stating the reason and period of incarceration; and,

11. That Defendant shall pay the statutory, non-refundable fee of \$100 to the Idaho Department of Correction immediately upon request for Interstate transfer for the processing cost of his Interstate transfer; and,

12. That Defendant shall make every effort to obtain and maintain full time employment or be enrolled in a full time educational program; and,

13. That Defendant shall not enter into any establishment wherein the primary source of income is derived through the dispensing of alcoholic beverages during the period of his probation; and,

14. That Defendant shall not consume any alcoholic beverages during the period of his probation; and,

15. That Defendant shall not associate in any manner with individuals specified by his probation officer; and,



16. That Defendant shall attend and complete such mental health counseling as his probation officer may designate, including, but not limited to such cognitive self-change programming as offered by the Idaho Department of Corrections; and,

17. That Defendant shall attend and complete sex offender treatment, such as Valley Treatment Specialties, so long as his probation officer and counselor deem necessary; and,

18. That Defendant shall register as a sex offender in accordance with Idaho Code § 18-8304 through 18-8307; and,

19. That Defendant shall submit to DNA testing in accordance with Idaho Code § 19-5506; and,

20. That Defendant shall submit to polygraph examinations at his own expense if requested to do so by his probation officer; and,

21. That Defendant shall submit to AIDS testing within THIRTY (30) days; and,

22. That Defendant shall make restitution to the victim in an amount to be determined at a later date; and,

23. That Defendant shall reimburse the Nez Perce County Public Defender's Fund, in the sum of \$500.00, plus court costs in the sum of \$288.50, for a total of \$788.50. Payments to be paid in monthly installments of \$50.00 beginning on February 10, 2007 and paid in a like amount on the 10th of each and every month until paid in full. That payments shall be mailed to Clerk of the Court, P.O. Box 896, Lewiston, Idaho 83501; and,

That Defendant shall obey each and every other provision which Defendant's Agreement of Probation sets forth.

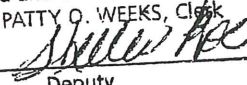
# NOTICE OF RIGHT TO APPEAL

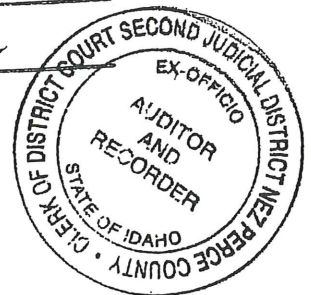
YOU, **JACK K. COOK**, ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within the time provided by law.

DATED THIS 5<sup>th</sup> day of December, 2006, nunc pro tunc for November 30, 2006.

  
CARL B. KERRICK -District Judge

I, Patty O. Weeks, Clerk of the above entitled Court do hereby certify the foregoing to be a full, true and correct copy of the original Judgment of Conviction and Order Suspending Sentence in the above entitled cause as the same now appears on file and of record in my office. 4-15-08.

WITNESS my hand and official seal this  
PATTY O. WEEKS, Clerk  
By   
Deputy



JUDGMENT OF CONVICTION AND  
ORDER SUSPENDING SENTENCE

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing JUDGMENT OF CONVICTION AND ORDER SUSPENDING SENTENCE was:

✓ hand delivered via court basket, or

\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 5<sup>th</sup> day of December, 2006, to:

Denton Andrews  
733 Fifth Street, Suite A  
Clarkston WA 99403

Prosecuting Attorney  
P.O. Box 1267  
Lewiston ID 83501

Lewiston Police Department

Probation and Parole

PATTY O. WEEKS, CLERK

By

[Signature]  
Deputy



JUDGMENT OF CONVICTION AND  
ORDER SUSPENDING SENTENCE